

CITY COUNCIL RESOLUTION
Establishing the Kirby Lane North Sanitary Sewer Special Assessment District

WHEREAS, on November 3, 2004 the Rye City Clerk received a petition (hereinafter the "Petition") requesting that the City undertake a local improvement pursuant to Chapter 128 of the Rye City Code to extend sanitary sewer service to 30 properties located on Kirby Lane North and a portion of Grace Church Street; and

WHEREAS, said Petition was duly signed and authenticated by more than 66 2/3% of the 30 property owners within a district known as the "Kirby Lane North Sanitary Sewer Special Assessment District" (hereinafter the "District"); and

WHEREAS, the Rye City Council received and considered the Full Environmental Assessment Form with attachments and Local Waterfront Revitalization Program (LWRP) Coastal Consistency Form dated December 10, 2004; and

WHEREAS, on December 15, 2004 the Rye City Council declared its intent to be Lead Agency with respect to the proposed action and referred to the Rye City Planning Commission for Advisory LWRP Coastal Consistency and Wetland Permit consideration in connection with the Kirby Lane North Sanitary Sewer Special Assessment District.

WHEREAS, the Full EAF with attachments and Notice of Intent to be Lead Agency was circulated to all involved agencies and no objection was submitted to the City Council assuming Lead Agency status; and

WHEREAS, the Rye City Planning Commission provided its advisory LWRP coastal consistency recommendation to the City Council in Planning Commission memorandum No. 02-2005 dated February 9, 2005; and

WHEREAS, said Planning Commission Memorandum stated that the proposed action is consistent with the 44 policies of the City's LWRP;

NOW, THEREFORE, BE IT RESOLVED, that the City Council designates itself as Lead Agency and based on its review of the Environmental Assessment Form (EAF), the criteria listed in Section 617.7(c) of SEQRA and the complete record, the City Council finds that the proposed action will not have a significant adverse environmental impact and adopts a Negative Declaration; and

BE IT FURTHER RESOLVED, that the City Council finds that the proposed action is consistent with the City's Local Waterfront Revitalization Program (LWRP) policies, standards and conditions identified in §73-5.D, *Coastal Zone Management Waterfront Consistency Review*, of the City Code; and

BE IT FURTHER RESOLVED, that the City Council hereby establishes the Kirby Lane North Sanitary Sewer Special Assessment District consisting of the following 30 properties, having the following property addresses and City Tax Assessor Parcel ID numbers and as shown on the map attached hereto:

280 Grace Church Street (146-8-2-19)	350 Grace Church Street (146-8-2-33)	7 Kirby Lane North (146-8-1-20)
286 Grace Church Street (146-8-29-2)	355 Grace Church Street (146-8-1-11)	9 Kirby Lane North (146-8-1-19)
289 Grace Church Street (146-8-1-24)	360 Grace Church Street (146-8-2-32)	11 Kirby Lane North (146-8-1-18)
290 Grace Church Street (<u>146-8-2-29-1</u>)	365 Grace Church Street (146-8-1-10)	12 Kirby Lane North (146-8-1-17)
300 Grace Church Street (<u>146-8-2-29-3</u>)	370 Grace Church Street (147-5-1-8)	14 Kirby Lane North (146-8-1-16)
309 Grace Church Street(146- 8-1-23)	385 Grace Church Street (146-8-1-9)	15 Kirby Lane North (146-8-1-4)
320 Grace Church Street(146- 8-2-31)	3 Kirby Lane North (146-8-1-22)	16 Kirby Lane North (146-8-1-15)
330 Grace Church Street (146-8-2-34)	4 Kirby Lane North (146-8-1-14)	18 Kirby Lane North (146-8-1-7)
331 Grace Church Street (146-8-1-13)	5 Kirby Lane North (146-8-1-21)	25 Kirby Lane North (146-8-1-5)
345 Grace Church Street (146-8-1-12)	6 Kirby Lane North (146-8-1-8)	27 Kirby Lane North (146-8-1-6)

BE IT FURTHER RESOLVED, that pursuant to Section 128-5 of the Rye City Code the City Council directs the undertaking of the local improvement based on an estimated project cost of \$1,680,800 and that the proportionate share of all costs shall be divided equally by each property in the District as permitted by Section 128-5.B(4) of the Rye City Code.

Last Revised: Feb. 16, 2005